

BOARD OF SELECTMEN

Tuesday, April 12, 2016

A Board of Selectmen meeting was held at 6:30 pm on Tuesday, April 12, 2016 in Conference Room A in Town Hall with five selectpersons, the Town Administrator and the Asst. Town Administrator.

6:30 Meeting Called to Order

Executive Session: Selectperson Murphy moved that the Board of Selectmen enter into Executive Session under MGL Chapter 30A, §21(a) 3, Strategy with respect to Litigation and to approve Executive Session minutes and to reconvene in Open Session, Selectperson Sheedy seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, all in favor.

Motion to enter  
Executive Session  
Motion Approved

7:15 Pledge of Allegiance and Moment of Silence

Interview of Chris Fritz-Grice for a Street Performer License: Selectperson Wilkinson moved that the Board of Selectmen approve a Street Performer License for Chris Fritz-Grice, Selectperson Murphy seconded, Vote: 5-0. He said they are an acoustic reggae band; he and Michael Kelly play together. He said they both sing and play acoustic guitar.

Interview of Chris  
Fritz-Grice for  
Street Performer  
License

Interview of Michael Kelly for a Street Performer License: Selectperson Lucas moved that the Board of Selectmen approve and sign a Street Performer License for Michael Kelly, Selectperson Wilkinson seconded, Vote: 5-0.

Interview of  
Michael Kelly for  
Street Performer  
License

Approval of Minutes of March 22, 2016: Selectperson Murphy moved that the Board of Selectmen approve the minutes of March 22, 2016, Selectperson Sheedy seconded, Vote: 5-0.

Approval of  
3/22/16 Minutes  
Motion Approved

Approval of Minutes of March 29, 2016: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of March 29, 2016, Selectperson Wilkinson seconded, Vote: 3-0. Selectpersons Murphy and Lucas abstained as they were not present on 3/29/16.

Approval of  
3/29/16 Minutes  
Motion Approved

Selectmen Updates and Liaison Reports: Chairperson Battistelli said she heard from S. Jacques asking if the Board would think about any other issues they would like the By-Law Committee to review. She said there may be a meeting in May regarding the MBTA, and update on the power upgrade and the schedule. Selectperson Wilkinson said she was contacted by B. Reed, DPW Commissioner, regarding the plans for the new DPW barn, on the ballot for town vote on 5/2/16. She said DPW employees can't spend any time or public funds on this effort. B. Reed sent a one page document to Selectperson Wilkinson for a letter of support. Selectperson Lucas said they are trying to pull together some figures that indicate that the longer we wait, the more the project will cost.

Selectmen  
Updates and  
Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite St., spoke on the proposed DPW facility; he said he is in favor of it. He recommended that people could hand out information at the Transfer Station on Saturday. He said Eric Hutchins and the Conservation Commission should be invited to whatever meeting is held regarding the MBTA. Chairperson Battistelli said E. Hutchins brought up the power upgrade and the other issue has been dealt with by the Conservation Commission. T. Arsenian said at Town Meeting the petition article on the parking ban, a promise of a task force or committee was made. He said Moderator Visnick stated that the Board of Selectmen would certainly be bound by whatever the committee decides. He said this should be disavowed at the beginning of the process or state that it is so; before the committee is appointed it should be clear.

Public Comment  
Period

Town Administrator's Report: M. Vieira said the 8 Marmion Way RFP process is ongoing; the deadline is 4/19. There will be a public opening to review the bids. He said the town received sewer rate relief in the amount of \$910 and Chapter 90 funds in the amount of \$192,023 for FY '17. He said the Town Administrator was meeting currently on the Community Development issue, which will result in some organizational changes. The new parking meter poles are being reviewed to see if there is a way to make them easier to use, maybe a sticker and the same information on a flyer to give the shop owners.

7:40 Action List

Action List:

Warrant for  
Annual Town  
Election: Motion  
Approved

Nomination of  
Inspectors of  
Animals  
Motion Approved

Acceptance of  
Resignation from  
Council on Aging  
Motion Approved

80 Long Beach  
Transfer and  
Change of Lease  
Motion Approved

Roadway  
Maintenance  
Program Contract  
Motion Approved

- Warrant for Annual Town Election: Selectperson Wilkinson moved that the Board of Selectmen sign the Warrant for the Annual Town Election, Selectperson Lucas seconded, Vote: 5-0.
- Nomination of Diane Place and Leslie Whelan as Inspectors of Animals: Selectperson Lucas moved that the Board of Selectmen nominate Diane Place and Leslie Whelan as Inspectors of Animals for the Town of Rockport, Selectperson Murphy seconded, Vote: 5-0.
- Acceptance of Resignation of Roger Lesch from the Council on Aging: Selectperson Murphy moved that the Selectmen accept the resignation of Roger Lesch from the Council on Aging to become effective on June 30, 2016, Selectperson Sheedy seconded, Vote: 5-0. It was stated that R. Lesch is actually retiring from this position.
- 80 Long Beach Lease Family Transfer and Change of Address: Selectperson Sheedy moved that the Selectmen approve and sign a lease for 80 Long Beach to reflect a family transfer and updated address, Selectperson Murphy seconded, Vote: 5-0.
- Roadway Maintenance Program Contract with BETA Group, Inc. of 315 Norwood Park South in Norwood, MA: Selectperson Wilkinson moved that the Board of Selectmen approve and sign an Engineering Services agreement with BETA Group, Inc. of 3315 Norwood Park South, Norwood, Massachusetts to provide contract documents for the Roadway Maintenance Program in the amount of \$30,000.00, Selectperson Murphy seconded, Vote: 5-0.

Selectperson Murphy left the room at 7:43pm.

Ratification of  
PEC Health  
Insurance  
Agreement  
Motion Approved

Outdoor Display  
Permit Renewals  
Motion Approved

- Ratification of PEC Health Insurance Agreement: Selectperson Lucas moved that the Board of Selectmen approve and sign an Agreement with the Public Employees Committee on Health Insurance pursuant to MGL Ch. 32B sections 21-23 and 801 CMR 52.04(4), covering a term from July 1, 2016 through June 30, 2019, Selectperson Wilkinson seconded, Vote: 4-0. The Asst. Town Administrator said the PEC will provide some stability on plan design and shop carriers for a 3 year agreement, 25% of the savings are applied back to the individuals covered by the insurance; this would result in premium "holidays" for those covered by the plan. M. Vieira said a special thanks to Town Treasurer Carrie Arnaud. Selectperson Murphy was not present for vote.
- Outdoor Display Permit Renewals: Selectperson Sheedy moved that the Board of Selectmen approve and sign Outdoor Display permits for the John Tarr Store of 49 Main Street, The Prince & The Pauper of 5 Bearskin Neck, JoyLi Gifts of 32A Main Street, the Wicked Peacock of 17 Dock Square, the Toad Hall Bookstore of 47 Main Street, the Kaihlanen Gallery of 61-63 Bearskin Neck, the Asian Inspiration Gallery of 7 Bearskin Neck, and The Blue Lantern of 29-31 Bearskin Neck, all, for the 2016 summer season, Selectperson Wilkinson seconded, Vote: 5-0. Selectperson Wilkinson said it would be

very helpful if the building inspector could visit at the beginning of the season to remind shop keepers of the requirements for the permit.

- a) John Tarr Store, 49 Main Street
- b) The Prince & The Pauper, 5 Bearskin Neck
- c) JoyLi Gifts, 32A Main Street
- d) Wicked Peacock, 17 Dock Square
- e) Toad Hall Bookstore, 47 Main Street
- f) Kaihlanen Gallery, 61-63 Bearskin Neck
- g) Asian Inspiration Gallery, 7 Bearskin Neck
- h) The Blue Lantern, 29-31 Bearskin Neck

7:47 Selectperson Murphy returned to the meeting.

8:05 Discussion Items

Discussion Items:

David Delaney Mooring Issue Letter: The Board of Selectmen received a letter from Mr. Delaney. He said he had inquired if he could collect some of the data regarding the mooring waiting list. He said he was only looking for information pertinent to him. He said the Town Clerk helped him; he spent several hours researching this. In 1982 he was on the mooring list; he said he was on the list for several years, then off, then on, then off. It was stated that the harbor masters maintain the list. The Harbor masters have been over this with Mr. Delaney, decisions that were made were before the current harbor masters were on the job. Five years after they took over, in 2006, a notice was put in the newspaper, saying you have 90 days to contact us if you're not on the list and we'd research it. Previously you had to get on the list every year and there was no fee. Individuals can appeal to the DEP if they aren't happy with the town's position. D. Delaney could still appeal to the DEP on this situation. It used to be an informal process; now it has been formalized. He said he is being penalized for that; the system didn't work. He is requesting that he receive a mooring after all these years. It was decided that a DEP appeal is the best route for Mr. Delaney.

David Delaney  
Mooring Issue  
Letter

Toby Arsenian Letters: Chairperson Battistelli said the Board received two letters from T. Arsenian. One was regarding the Green Community and the overlay district, questioning who owned the lots. He was told that the DPW controlled the lots, this question still remains. He said Town Counsel said something different. Setback concerns remain for T. Arsenian. He said the Board of Selectmen should have made some commitment, lease vs. license. Town Counsel had indicated it's premature to know. T. Arsenian said the public should have a say in the matter. Town Counsel said a license could be revoked at any time for no reason.

Toby Arsenian  
Letters

2<sup>nd</sup> letter: non-profits, there is legislation proposed regarding payments in lieu of taxes. There are properties in town that are non-profit and T. Arsenian has brought up that the town is missing out on revenue. Chairperson Battistelli said there are 14 locations/properties that are tax exempt: Boy Scouts, Essex County Greenbelt, Sandy Bay Brotherhood, Audubon, Pigeon Cove Circle, Rockport Art Association, Sandy Bay Historic Society, Trustees of the Reservation, Roman Catholic Church, 7 churches, YMCA, Old Farm Rockport, Rockport Music. There are several government properties as well, Halibut State Park, MBTA, Rockport Housing Authority, and the City of Gloucester. One Bill in the House is for medical facilities and another Bill applies to other non-profits. The Bills are in committee, in study order. The estimated revenue would be \$96,000. Chairperson Battistelli said she was wondering what the board members think. Selectperson Wilkinson said she is interested to see what the legislature does, but she is not in favor of this. Selectperson Sheedy said she is not in favor of this either. Chairperson Battistelli said she has copies of both pieces of legislation; she will print them out and get a copy to T. Arsenian. T. Arsenian said the Assessors and Finance Committee would know better about this.

8:45 Motion to add an Executive Session - Motion Approved  
Motion to add an Executive Session: Selectperson Wilkinson moved to hold an Executive Session at 7pm on the 19<sup>th</sup>, there will be no open session, Selectperson Murphy seconded, Vote: 5-0.

8:45 Meeting Adjourns

Items Signed:

Letter to T. Arsenian,  
Warrant for Annual Town Election  
Outdoor Display Permit, John Tarr  
Outdoor Display Permit, The Prince and the Pauper  
Outdoor Display Permit, JoyLi Gifts  
Outdoor Display Permit, Wicked Peacock  
Outdoor Display Permit, Toad Hall Bookstore  
Outdoor Display Permit, Kaihlanen Gallery  
Outdoor Display Permit, Asian Inspiration Gallery  
Outdoor Display Permit, The Blue Lantern  
Agreement for Professional Engineering Services Beta Group, Inc.  
Lease Agreement, Paul Butman  
Street Performer's License, Chris Fritz-Grice  
Street Performer's License, Michael Kelly  
Street Performer's License, David Zeserson  
Innholder's License, Peg Leg Inn, M. R. Welcome  
The Captain's House, Lodging House License  
Innholder's License, Linden Tree Inn, John B. Shepherd  
Johanna Angels, Inc., Rockport House of Pizza  
Karin Porter, The Fish Shack, Entertainment License  
Home Occupations Permit, Joseph DiAngelo, Pigeon Hill Painting